

UNITED STATES DISTRICT COURT
for the
Middle District of Alabama

United States of America

v.

HOWARD JAMES SMITH

Date of Original Judgment: 11/05/2020

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 2:18cr243-04-MHT

USM No: 12405-002

Preston L. Presley

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion (Doc. 806) is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____ .
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

The defendant received no Chapter Four status points at his original sentencing and was not determined to be a zero-point offender. Pursuant to U.S.S.G. § 1B1.10(a)(2)(A) Exclusions--a reduction in the defendant's term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if none of the amendments listed in subsection (d) is applicable to the defendant.

Except as otherwise provided, all provisions of the judgment dated 11/05/2020 shall remain in effect.

IT IS SO ORDERED.

Order Date: 2/13/2024

/s/ Myron H. Thompson

Judge's signature

Effective Date: _____
(if different from order date)

MYRON H. THOMPSON, UNITED STATES DISTRICT JUDGE

Printed name and title